

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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In re:

RAPHAEL S. GARDEE

Case No.: 20-13167

Chapter: 7

Hearing Date: April 21, 2020

Judge: Hon. Kathryn C. Ferguson

**NOTICE OF MOTION FOR RELIEF FROM STAY AS TO REAL PROPERTY KNOWN AS 36
WILFRED AVENUE, TITUSVILLE NJ 08560
(REAL PROPERTY)**

RSI BANK ("Movant") hereby moves this Court for relief from the automatic stay, pursuant to 11 U.S.C. § 362 with respect to certain real property of the Debtor having an address of 36 WILFRED AVENUE, TITUSVILLE NJ 08560 (the "Property"), for all purposes allowed by the Note (defined below), the Mortgage (defined below), and applicable law, including but not limited to the right to foreclose.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to vacate the automatic stay as it relates to the property commonly known as 36 WILFRED AVENUE, TITUSVILLE NJ 08560, currently owned by the Debtor and made part of this bankruptcy, or if you want the Court to consider your views on the motion, then on or before April 14, 2020, you or your attorney must:

(a) File with the Court a written request for a hearing, and an answer explaining your position at: Clerk, U.S. Bankruptcy Court, 400 Cooper Street, 4th Floor Camden, NJ 08101 If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above. You must also mail a copy to the following:

MARTONE & UHLMANN,
A PROFESSIONAL CORPORATION
777 PASSAIC AVE STE 535
CLIFTON, NJ 07012

and

THOMAS ORR, ESQ.
321 HIGH STREET, 2ND FLOOR
BURLINGTON, NJ 08016
and

(b) Attend the hearing scheduled for April 21, 2020 at 10:00 am in Courtroom #2 of the U.S. Bankruptcy Court, 402 East State Street, Trenton, NJ 08608

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Movant seeks relief from the automatic stay for the following reasons:

Pursuant to 11 U.S.C. Section 362 (d)(2)(A), the equity cushion is declining due to failure to make payments and will continue to decline thus failing to provide adequate protection; and

Pursuant to 11 U.S.C. Section 362 (d)(2)(B), the Property is not necessary for an effective reorganization.

Movant request the following relief:

(a) Relief from the stay for all purposes allowed by the Note, the Mortgage, and applicable law, including but not limited allowing Movant (and any successor or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property and any and all other collateral pledged under the Mortgage.

(b) That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

(c) For such other relief as the Court deems proper.

Statement of Non-Necessity of Brief: The Movant certifies pursuant to D.N.J. LBR 9013-2 that the within motion involves common questions of law and fact and does not involve complex or novel issues such as to require the submission of a legal brief.

Date: March 27, 2020



Christian Del Toro, Esq.